



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,442	07/26/2000	Patrick Siu-ying Hung	CP0001US	8356

22849 7590 03/14/2003

SCOTT W HEWETT
400 WEST THIRD STREET
#223
SANTA ROSA, CA 95401

EXAMINER

CARLSON, JEFFREY D

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/625,442

Applicant(s)

HUNG, PATRICK SIU-YING

Examiner

Jeffrey D. Carlson

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.



Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 19 is objected to because of the following informalities:

  Claim 19 line 2, "step command" should apparently be replaced by --
command step--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 5, 7, 8, 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mankovitz et al (US5523794).** Mankovitz et al teaches a portable coupon device (portable data coupon) that wirelessly receives data to be stored in the device. The data can then be processed and displayed by the user buttons. The device can display stored coupons as barcodes, capable of being scanned as an actual UPC at a point of sale (POS) [fig 1a, 1b].

Regarding claims 1, 5, 14, 15, 18, 19, 21, the device has a wireless receiver 16, processor, RAM and ROM memory, program and display [fig 2]. At least the display driver program [col 4 lines 19-25] manipulates the stored coupon data to render a

barcode on the display. The data can be recalled later to display a barcode that is scanned at the POS [col 8 lines 35-41].

Regarding claims 7, 16, Mankovitz et al teaches that the source coupon data is encrypted to ensure that only the coupon devices themselves can be authorized to use the coupons/data [col 5 lines 36-40]; the device must inherently provide decryption of the data in order for the authorized coupon devices to operate as desired.

Regarding claim 8, Mankovitz et al teaches that different coupon formats can be displayed [col 5 lines 45-53].

Regarding claims 17, 20, Mankovitz et al teaches that user/device information is provided in the device memory as a deviceID or userID or PIN for authentication. This data is used along with the coupon data to render an authenticated device's coupons [col 5 lines 14-17, col 7 lines 56-60. Further, Mankovitz et al teaches that images of the user (user data) may be transmitted to the device and stored for later use.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-4, 6, 9, 10, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz et al.**

Regarding claims 2-4, 9, 10, 12, 13, Mankovitz et al teaches an LCD display 22 [col 4 lines 25-27]. It would have been obvious to one of ordinary skill at the time of the invention to have provided any type of well known LCD display having sufficient pixel resolution and sizing as well as well known contrast features in order to provide a display showing a barcode capable of being scanned. Further, the plural values for each of the various display characteristics suggests a lack of criticality regarding those chromatic values. Mankovitz et al clearly is motivated to routinely experiment with the same characteristics in the display design so that the barcodes displayed can be operatively scanned at the POS.

Regarding claim 6, Mankovitz et al does not specify the particular file structure for the stored data, yet it would have been obvious to one of ordinary skill at the time of the invention to have used any type of file structure, including related or hierarchical file structure as is well known. The particular file structure chosen lacks criticality with respect to the device operation.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz et al in view of Nakajima (US6333737).

Regarding claim 11, Nakajima teaches that conventional LCD displays include capacitors associated with each pixel [col 1 lines 10-21]. It would have been obvious to one of ordinary skill at the time of the invention to have provided any type of well known LCD display such as an active matrix TFT display having a capacitor for each pixel in order to maintain current at each pixel for better a picture.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US5870030 (Deluca et al) teaches a portable device to store coupon data as well as display a coupon barcode to be scanned at the POS [col 10-12, fig 8]
- US5812937 (Takahisa et al) teaches a portable device to store coupon data as well as display a coupon barcode to be scanned at the POS [col 17-18, fig 13]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Application/Control Number: 09/625,442
Art Unit: 3622

Page 6



Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc
March 6, 2003